

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**

SUBJECT: REQUEST FOR REAR YARD SETBACK VARIANCE FROM 30 FEET TO 20 FEET FOR A PROPOSED ADDITION IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICT); (FLORA & RAYMOND ORTIZ, APPLICANTS).

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Earnest McDonald **CONTACT:** Kathy Fall **EXT.** 7389

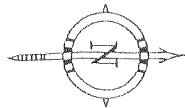
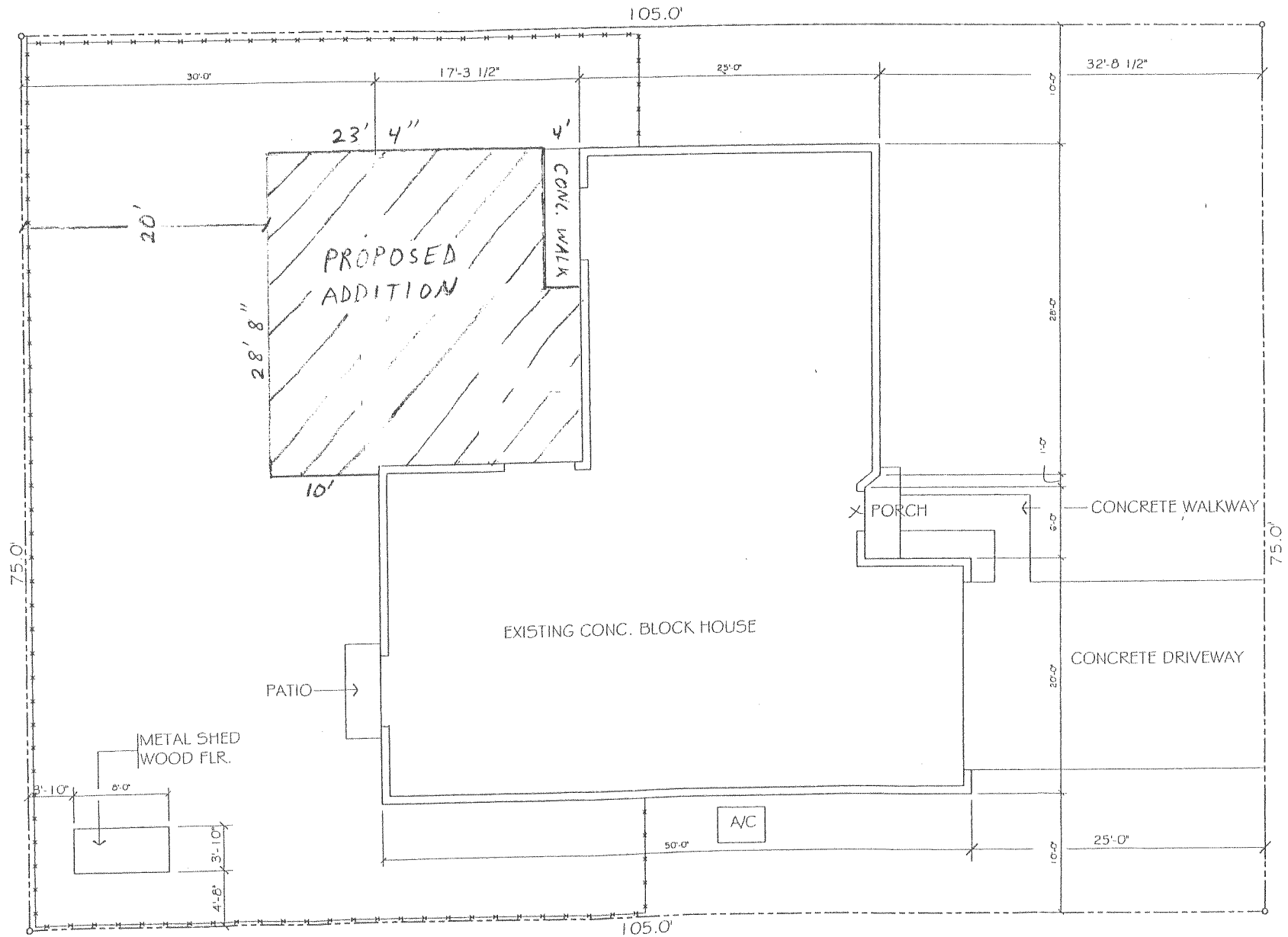
Agenda Date 01-24-05 **Regular** **Consent** **Public Hearing – 6:00**

MOTION/RECOMMENDATION:

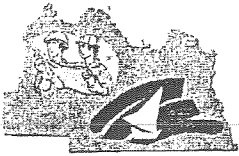
1. **APPROVE** REQUEST FOR REAR YARD SETBACK VARIANCE FROM 30 FEET TO 20 FEET FOR A PROPOSED ADDITION IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICT); (FLORA & RAYMOND ORTIZ, APPLICANTS); OR
2. **DENY** REQUEST FOR REAR YARD SETBACK VARIANCE FROM 30 FEET TO 20 FEET FOR A PROPOSED ADDITION IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICT); (FLORA & RAYMOND ORTIZ, APPLICANTS); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANTS: FLORA & RAYMOND ORTIZ LOCATION: 408 PINWOOD COURT ZONING: R-1A (SINGLE-FAMILY DWELLING DISTRICT)
BACKGROUND/REQUEST	<ul style="list-style-type: none"> • THE APPLICANTS PROPOSE TO CONSTRUCT AN ADDITION, APPROXIMATELY 28.8 FEET X 23.4 FEET (674 SQUARE FEET) TO AN EXISTING HOME. • THE PROPOSED ADDITION WOULD ENCROACH 10 FEET INTO THE MINIMUM 30 FOOT REAR YARD SETBACK; THE AFOREMENTIONED REAR YARD SETBACK VARIANCE FROM 30 FEET TO 20 FEET IS THEREBY REQUESTED. • THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.
STAFF FINDINGS	THE APPLICANTS HAVE FAILED TO SATISFY THE CRITERIA FOR THE GRANT OF A VARIANCE. STAFF HAS DETERMINED THAT:

	<ul style="list-style-type: none">• NO SPECIAL CIRCUMSTANCES APPLICABLE TO THE PROPERTY OR PROPOSED ADDITION HAVE BEEN DEMONSTRATED.• THE APPLICANTS WOULD RETAIN REASONABLE USE OF THE PROPERTY WITHOUT THE GRANTING OF THE VARIANCE.• THE REQUEST WOULD CONFER UPON THE APPLICANTS SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHERS IN THE R-1A DISTRICT, WITHOUT THE DEMONSTRATION OF A HARDSHIP.
STAFF RECOMMENDATION	<p>BASED ON THE PROPOSED SITE PLAN AND THE REPRESENTATIONS OF THE APPLICANTS, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT DENY THE REQUEST. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none">• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE PROPOSED ADDITION AS DEPICTED ON THE ATTACHED SITE PLAN; AND• ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.



LEGAL DESCRIPTION:
 LOT 4, BLOCK "4", LAKE RIDGE PARK, ACCORDING TO THE PLAT THEREOF, AS
 RECORDED IN PLAT BOOK 9, PAGE 69, PUBLIC RECORDS OF SEMINOLE
 COUNTY, FLORIDA.



COPY

APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division. Applications for SPECIAL EXCEPTION shall only be received for processing following pre-application conference.

APPLICATION TYPE:
 VARIANCE Rear yard Set Back to 20 Feet from 30 for a proposed Addition
 SPECIAL EXCEPTION
 MOBILE HOME SPECIAL EXCEPTION

EXISTING PROPOSED REPLACEMENT
 MOBILE HOME IS FOR _____
 YEAR OF MOBILE HOME _____ SIZE OF MOBILE HOME _____
 ANTICIPATED TIME MOBILE HOME IS NEEDED _____
 PLAN TO BUILD YES NO IF SO, WHEN _____
 MEDICAL HARDSHIP YES (LETTER FROM DOCTOR REQUIRED) NO
 APPEAL FROM DECISION OF THE PLANNING MANAGER

RECEIVED
 NOV 23 2004

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME	<u>FLORA AND RAYMOND ORTIZ</u>	
ADDRESS	<u>408 PINWOOD COURT FERN PARK FL. 32730</u>	
PHONE 1	<u>407-222-6230</u>	
PHONE 2	<u>407-859-8511</u>	
E-MAIL		

PROJECT NAME: Residential Addition
 SITE ADDRESS: _____
 CURRENT USE OF PROPERTY: Single Family Residence
 LEGAL DESCRIPTION: Lot 4, Block "4", Lake Ridge Park, according to the Plat thereof, as recorded in Plat Book 9, Pg 69, Public Records of Sem. Co. Florida
 SIZE OF PROPERTY: .18 acre(s) PARCEL I.D. 19-21-30-503-0400
 UTILITIES: WATER WELL SEWER SEPTIC TANK OTHER _____
 KNOWN CODE ENFORCEMENT VIOLATIONS NONE

IS PROPERTY ACCESSIBLE FOR INSPECTION YES NO
 This request will be considered at the Board of Adjustment regular meeting on 1-24-05
 (mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true and correct to the best of my knowledge.
Raymond Ortiz
 SIGNATURE OF OWNER OR AGENT* DATE 11/23/04

* Proof of owner's authorization is required with submittal if signed by agent.

ADDITIONAL VARIANCES

VARIANCE 2:

VARIANCE 3:

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

VARIANCE 8:

APPEAL FROM BOA DECISION TO BCC

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME		
ADDRESS		
PHONE 1		
PHONE 2		
E-MAIL		

NATURE OF THE APPEAL _____

BCC PUBLIC HEARING DATE _____

FOR OFFICE USE ONLY


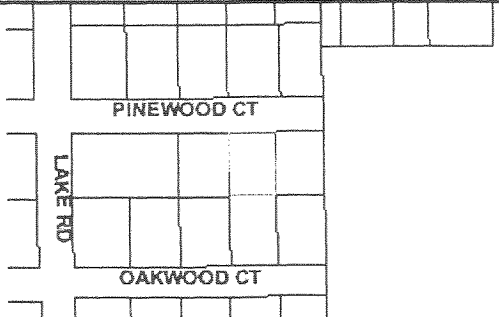
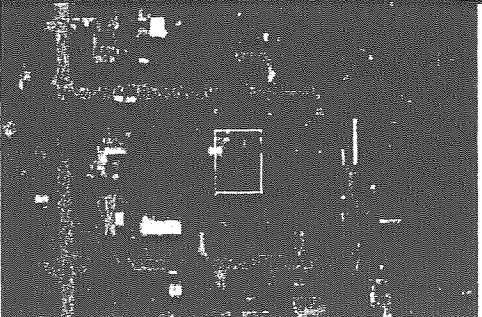
PROCESSING:

FEE: 150.00 COMMISSION DISTRICT _____ FLU/ZONING R-1A/LOR

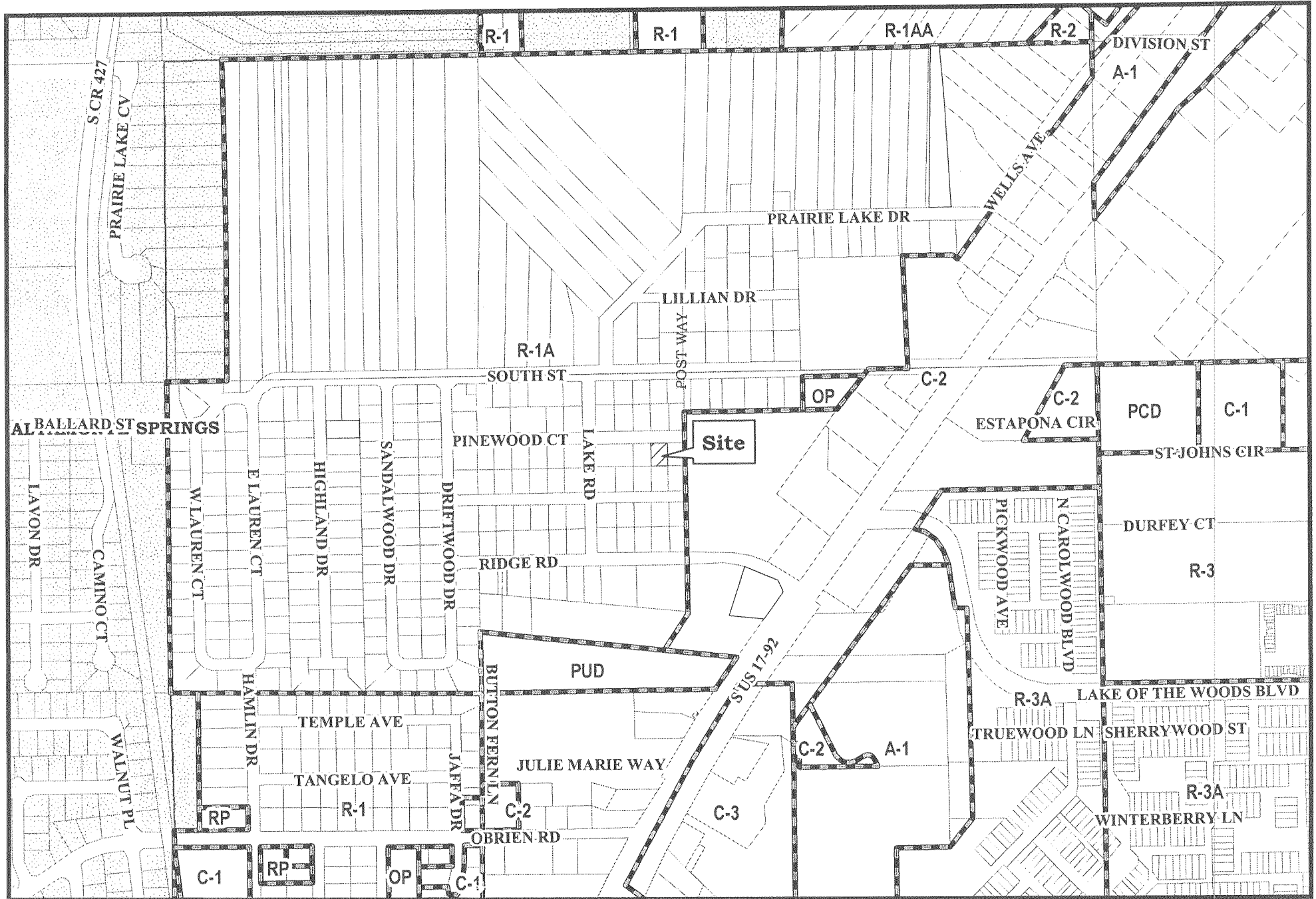
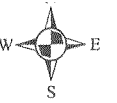
LOCATION FURTHER DESCRIBED AS _____

PLANNER _____ DATE _____

SUFFICIENCY COMMENTS _____

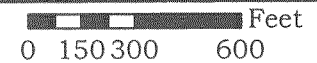
 <p>Seminole County Property Appraiser Services 1101 E. First St. Sanford FL 32771 407-665-7506</p>	<p>REAL ESTATE PERSONAL PROP TAX ROLL SALES SEARCH</p> <p style="text-align: right;">◀ Back ▶</p>																																								
																																									
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 19-21-30-503-0400-0040 Tax District: 01-TX DIST 1 - COUNTY Owner: ORTIZ RAYMOND & FLORA M & Exemptions: 00-HOMESTEAD Own/Addr: MURPHY CARMEN J Address: 408 PINWOOD CT City,State,ZipCode: CASSELBERRY FL 32730 Property Address: 408 PINWOOD CT FERN PARK 32730 Subdivision Name: LAKE RIDGE PARK Dor: 01-SINGLE FAMILY</p>	<p style="text-align: center;">2005 WORKING VALUE SUMMARY</p> <p>Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$132,467 Depreciated EXFT Value: \$0 Land Value (Market): \$16,000 Land Value Ag: \$0 Just/Market Value: \$148,467 Assessed Value (SOH): \$86,632 Exempt Value: \$25,000 Taxable Value: \$61,632</p>																																								
<p style="text-align: center;">SALES</p> <table border="1"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>03/1994</td> <td>02753</td> <td>1531</td> <td>\$86,500</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1992</td> <td>02388</td> <td>1290</td> <td>\$17,000</td> <td>Vacant</td> </tr> </tbody> </table> <p style="text-align: center;">Find Comparable Sales within this Subdivision</p>	Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	03/1994	02753	1531	\$86,500	Improved	WARRANTY DEED	01/1992	02388	1290	\$17,000	Vacant	<p style="text-align: center;">2004 VALUE SUMMARY</p> <p>Tax Value(without SOH): \$1,968 2004 Tax Bill Amount: \$889 Save Our Homes (SOH) Savings: \$1,079 2004 Taxable Value: \$60,017</p> <p style="text-align: center;">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>																						
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<p><small>NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes. *** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</small></p>																																									

Flora & Raymond Ortiz 408 Pinewood Ct.



Parcel: 19-21-30-503-0400-0040 / District: 4

BV2004-177
JANUARY 24, 2005



SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On January 24, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOT 4 BLK 4 LAKE RIDGE PARK PB 9 PG 69

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: FLORA & RAYMOND ORTIZ
408 PINWOOD COURT
CASSELBERRY, FL 32730

Project Name: 408 PINWOOD COURT

Requested Development Approval:

REQUEST FOR REAR YARD SETBACK VARIANCE FROM 30 FEET TO 20 FEET FOR A PROPOSED ADDITION IN THE R-1A (SINGLE-FAMILY DWELLING DISTRICT)

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Kathy Fall
1101 East First Street
Sanford, Florida 32771

Order

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

(1) The aforementioned application for development approval is **GRANTED**.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

THE VARIANCE GRANTED SHALL APPLY ONLY TO THE PROPOSED ADDITION AS DEPICTED ON THE ATTACHED SITE PLAN.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Matthew West
Planning Manager

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2005.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: